

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUELE LEGASPY,

Plaintiff,

No. 2:11-cv-0415 KJN P

vs.

WARDEN HERNANDEZ, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not filed a request to proceed in forma pauperis or paid the appropriate filing fee.


The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, the defendants are located and the claim arose in San Diego County, which is in the Southern District of California. Therefore, plaintiff’s claim should have been

1 filed in the United States District Court for the Southern District of California. In the interest of  
2 justice, a federal court may transfer a complaint filed in the wrong district to the correct district.  
3 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the  
5 United States District Court for the Southern District of California.

6 DATED: February 17, 2011

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE  
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